

Appl. No. 10/840,042
Docket No. 9630
Amdt. dated December 14, 2009
Reply to Office Action mailed on September 15, 2009
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the wet laid patterned fibrous structure is a differential density patterned fibrous structure having regions of high density and low density relative to each other, wherein more than 50% of the latex is present on the regions of high density of the fibrous structure. Support for this amendment is found in the Specification, for example at page 9, lines 11-17.

Claims 8-10 have been cancelled without prejudice.

Claims 1, 5, 7, and 12-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(e) as anticipated by or, in the alternative, under 35 USC §103(a) over U.S. Patent Publication No. 2004/0099388 as evidenced by U.S. Patent No. 6,740,373

Claims 1, 5, 7-9, and 12-15 are rejected by the Examiner under 35 USC §102(e) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Publication No. 2004/0099388 to Chen, et al. "Chen") as evidenced by U.S. Patent No. 6,740,373 to Swoboda, et al. (Swoboda"). The Examiner asserts that Chen teaches tissue products in roll form comprising a wet laid or air laid fibrous structure having a patterned three dimensional configuration of raised web portions molded into the web and projecting out of the surface, wherein the web comprises latex.

Applicants respectfully submit that Chen as evidenced by Swoboda fails to teach each and every element of Claim 1, the independent claim, as amended, because Chen fails to teach a differential density fibrous structure comprising latex wherein more than

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50% of latex is present on high density regions of the differential density fibrous structure. Accordingly, Applicants submit that Claim 1, as amended, is not anticipated by nor rendered obvious over Chen as evidenced by Swoboda. Further, Applicants submit that Claims 5, 7, and 12-15 (Claims 8-9 have been cancelled), which ultimately depend from Claim 1, as amended, are not anticipated by nor rendered obvious over Chen as evidenced by Swoboda.

Rejection Under 35 USC §103(a) Over U.S. Patent Publication No. 2004/0099388 in
view of U.S. Patent No. 4,507,173

Claim 10 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Chen, discussed above, in view of U.S. Patent No. 4,507,173 to Klowak, et al. ("Klowak").

Applicants respectfully submit that this rejection is moot in light of the cancellation of Claim 10.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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